

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1400

UMADJELA ANDRE LUMBU,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A77-250-844)

Submitted: October 22, 2003

Decided: December 22, 2003

Before WIDENER, WILKINSON, and LUTTIG, Circuit Judges.

Petition dismissed in part and denied in part by unpublished per curiam opinion.

Ana T. Jacobs, ANA T. JACOBS & ASSOCIATES, Washington, D.C., for Petitioner. Peter D. Keisler, Assistant Attorney General, Terri J. Scadron, Assistant Director, Robbin K. Blaya, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Umadjela Andre Lumbu, a native and citizen of the Democratic Republic of Congo, petitions for review of an order of the Board of Immigration Appeals (Board). The order denied his motion to reopen and reconsider the Board's dismissal of his appeal from the Immigration Judge's order denying his applications for asylum and withholding of removal.

Lumbu first raises several challenges to the summary affirmance procedure employed by the Board in its initial decision, dated October 8, 2002, affirming the decision of the Immigration Judge without opinion pursuant to 8 C.F.R. § 1003.1(a)(7) (2003). As Lumbu did not file a timely petition for review of that decision, we are without jurisdiction to consider his claims. See 8 U.S.C. § 1252(b)(1) (2000); Stone v. INS, 514 U.S. 386, 394, 405 (1995).

Lumbu next takes issue with the Board's decision to deny his motion to reconsider. We have reviewed the record and the Board's order and find that the Board did not abuse its discretion in declining to grant Lumbu the relief sought. See 8 C.F.R. § 1003.2(a) (2003).

Accordingly, we dismiss in part and deny in part the petition for review. We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART, DENIED IN PART